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**In the United States Patent and Trademark Office**

Applicants:	Wulz et al.	Docket No.:	16,897
Serial No.:	10/026,855	Group:	3761
Confirmation No:	1818	Examiner:	K. Reichle
Filed:	December 20, 2001		

For: An Absorbent Article Having An Insert For Providing Improved Fluid Distribution

**Response to Supplemental Requirement for Election of Species****With Traverse**

ASSISTANT COMMISSIONER FOR  
PATENTS Washington, D.C. 20231

In response to the Supplemental Requirement for Election mailed May 12, 2004, Applicants hereby elect, with traverse, the following species for examination. This provisional election has been made to comply with the Supplemental Requirement for Election in as much as Applicants understand the Supplemental Requirement for Election mailed May 12, 2004. It is Applicants intention that the elected species is embraced by the claims and does not limit the claims. Accordingly, this election is made in order to comply with the Supplemental Requirement for Election mailed May 12, 2004.

Applicant elects the following species, without limiting the claims, to facilitate the Examiner's search:

The elected location of the absorbent body is between the surge management layer and the backsheet and is generic, at least, to Claims 17-26 and 31-50. The elected location of the surge management layer is between the topsheet and the absorbent body, which is generic, at least, to Claims 17-26 and 31-50. Applicant elects a species that does not include a vapor barrier, which is generic, at least, to Claims 17-26, 31-37, 39-42 and 44-50. Applicant also elects a species of resilient material that is not absorbent, this species can be generic to Claims 17-26, 31, 33-46 and 48-50. Applicant further elects a species of resilient material that is breathable, which can also be generic to Claims 17-26 and 31-50. Finally, Applicant elects a closed cell foam as one of the specific materials from which the resilient material may comprise. A closed cell foam is generic to Claims 17-26 and 31-50. Thus, Claims 17-26, 31 33-37, 39-42, 44-46 and 48-50 are readable on the combined specific species that are currently being elected.


In this response, Applicants traverse the Requirement for Election and request the Examiner reconsider the Requirement for Election. Applicants respectfully submit that the Requirement

for Election is improper because the alleged species are not mutually exclusive. "Claims restricted to different species must be mutually exclusive." (MPEP § 803.02) Therefore, the alleged species are not mutually exclusive and the Requirement for Election is improper.

In the alternative, Applicants respectfully submit that the alleged species are so few in number that a search and examination of the entire claims can be made without serious burden. Thus, the examiner should examine the all of the claims in the present application at this time in accordance with MPEP § 803.02.

The undersigned may be reached at: (770) 587-8620.

Respectfully submitted,  
WULZ ET AL.

By:   
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#### CERTIFICATE OF FACSIMILE

I, Christos S. Kyriakou, hereby certify that on June 14, 2004 this document is being sent to the Commissioner for Patents via facsimile to Examiner Karin Reichle at facsimile number: 703-872-9306.

By:   
Christos S. Kyriakou